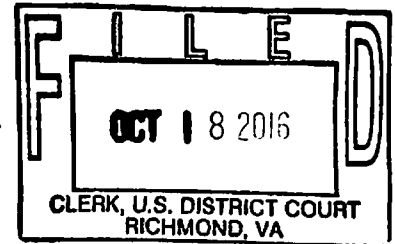


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



STEPHEN B. ELLIOTT,

Plaintiff,

v.

Civil Action No. 3:16CV04

JOSEPH HIGGS, JR., et al.,

Defendants.

MEMORANDUM OPINION

Stephen B. Elliott, a Virginia inmate proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. See Dowe v. Total Action Against Poverty in Roanoke Valley, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current Complaint, Elliott fails to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. Elliott also does not identify the particular constitutional right that was violated by the defendants' conduct. Accordingly, by Memorandum Order entered on September 14, 2016, the Court directed Elliott to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Elliott that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the September 14, 2016 Memorandum Order. Elliott failed to submit a particularized complaint or otherwise respond to the September 14, 2016 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion to Elliott.

Date: October 17, 2016  
Richmond, Virginia

/s/ REP  
Robert E. Payne  
Senior United States District Judge